

RECEIVED
CENTRAL FAX CENTER
AUG 03 2006

REMARKS

Applicants would like to thank the Examiner for the careful consideration given this application. Claims 1-12 are pending in this application. Claims 9-12 have been withdrawn from consideration. No claim amendments are submitted at this time.

Claim Rejections under 35 USC 112

Claims 1-8 stand rejected under 35 USC 112, second paragraph as being indefinite.

The Examiner alleges that the term "compounding reactor" is not recognized in the art and the Applicants specification does not indicate that reacting is taking place but rather only compounding. Applicants respectfully disagree.

Applicants submit that a "compounding reactor" is part of the invention and is a device designed for preparing elastomer-modified thermoplastics such as those described in independent Claim 1. The term "compounding reactor" is described as being synonymous with "mixing compounder" (page 1, para 17 of the application as published), and embodiments of "compounding reactors" and "mixing compounders" are described on page 3, para 0049 and 50; and page 4, para 0055-0057 and para 0059 of the application as published. Accordingly, the Applicant's specification provides substantial support for the use of the term "compounding reactor", and the Examiner's rejection under 35 USC 112 should be withdrawn. Reconsideration is respectfully requested.

Claim Rejection under 35 USC 102 and 35 USC 103

Applicants were confused as to the nature of the Examiner's rejections under 35 USC 102(b) as Claims 1-8 were rejected under 35 USC 102(b) in view of U.S. Patent No. 5,851,463 to Guntherberg et al. (hereinafter "Guntherberg") on page 2 of the Office Action mailed February 6, 2006, and Claims 1-3 and 5-8 were rejected under 35 USC 102(b) in view of Guntherberg on page 3 of the Office Action. Applicants response is directed to the latter.

PO-8033

-5-

Claims 1-3 and 5-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Guntherberg.

The Examiner alleges that Guntherberg discloses a process in which SAN having up to 50 % water is dewatered and combined with a thermoplastic in an extruder. The Examiner also alleges that Guntherberg discloses that a molten blend of the SAN/thermoplastic mixture is blended toward the inlet since a small portion of the material may be melted during the process, and that some heating occurs due to friction. Applicants respectfully disagree.

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (1997 CAFC).

Applicants submit that Guntherberg fails to disclose a process for production of elastomer-modified thermoplastics wherein elastomer and thermoplastic resin are combined in a reactor and melted with the simultaneous removal of volatile component. In particular, Guntherberg clearly states that "the plasticating section 5 following the mixing of melt B (section 4) serves only for homogenizing the mixture of the two components..." (column 6, lines 10-12, emphasis added). Removing volatiles components during homogenization is therefore not taught or suggested in Guntherberg.

Accordingly, Guntherberg fails to anticipate independent Claim 1. Claims 2, 3, and 5-8 and Claim 4 either directly or indirectly depend from and add further limitations to independent Claim 1 and are deemed allowable for at least the same reasons in combination with independent Claim 1. Reconsideration is respectfully requested.

Claim 4 stands rejected under 35 USC 102(b) and, in the alternative, 35 USC 103(a) as being obvious over Guntherberg.

The Examiner alleges that the characteristics recited in Claim 4 appear to be inherent to the process of Guntherberg. Applicants respectfully disagree.

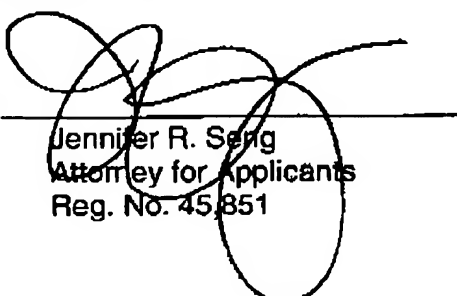
First and foremost, Claim 4 depends from and adds further limitations to independent Claim 1, and is, respectfully, deemed allowable for at least the same reasons in combination with independent Claim 1.

Furthermore, Applicants submit that one skilled in the art would understand the heating of a surface of the reactor to serve to stop the dissipation of heat through the surface of the reactor or to produce higher fluidity of the polymer close to the housing wall to reduce jamming of the screw drive. Generally, less than about 10 % of the heat energy supplied to the reactor comes from thermally heating the reactor surface. Claim 4 is directed to a process by which 25 % or more of the energy supplied to the reactor is from thermal heating of a surface of the reactor. Therefore, Guntherberg fails to anticipate or render obvious dependent Claim 4. Reconsideration is respectfully requested.

It is believed that the pending claims are now in condition for allowance and notice to such effect is respectfully requested. Should the Examiner have any questions regarding this application, the Examiner is invited to initiate a telephone conference with the undersigned.

Respectfully submitted,

By



Jennifer R. Seng
Attorney for Applicants
Reg. No. 45,851

August 3, 2006

LANXESS Corporation
Law & Intellectual Property Department
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2233
FACSIMILE PHONE NUMBER:
(412) 809-1054

\\sr\S\Law Shared\SHARED\JD\PATENTS\8033\8033 Response 8-6-2006.doc

PO-8033

-7-